

Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DORAL BANK PUERTO RICO, on Behalf  
of Itself and All Others Similarly Situated,

**Plaintiff,**

V.

WASHINGTON MUTUAL ASSET  
ACCEPTANCE CORPORATION, DAVID  
BECK; DIANE NOVAK; THOMAS  
LEHMANN; STEPHEN FORTUNATO;  
DONAL WILHELM; WAMU CAPITAL  
CORPORATION; MOODY'S INVESTORS  
SERVICES, INC.; THE MCGRAW-HILL  
COMPANIES, INC.; FIRST AMERICAN  
CORPORATION; and FIRST AMERICAN  
EAPPRIASEIT, LLC.

### Defendants.

NO. 2:09-cv-01557-MJP

**NOTICE OF ACCEPTANCE OF  
SERVICE AND WAIVER OF  
SERVICE OF SUMMONS BY  
DEFENDANT THE McGRAW-HILL  
COMPANIES, INC.**

TO: CLERK OF THE COURT; and

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

NOTICE IS HEREBY GIVEN that pursuant to the "Waiver of Service of Summons" attached hereto as Exhibit "A," Defendant The McGraw-Hill Companies, Inc., Inc. has acknowledged receipt of Plaintiff's complaint and waived service of summons.

**NOTICE OF ACCEPTANCE OF SERVICE AND WAIVER OF  
SERVICE OF SUMMONS BY DEFENDANT THE MCGRAW-  
HILL COMPANIES, INC.**

**FREE COMMUNITIES, INC.  
(NO. 2:09-CV-01557-MJP) - 1**

(No. 2.09-CW  
4898/002/232607.1

**TOUSLEY BRAIN STEPHENS PLLC**  
1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101  
**TEL** 206 682 5600 • **FAX** 206 682 2992

1  
2 DATED this 1st day of March, 2010.

3 **TOUSLEY BRAIN STEPHENS PLLC**

4 By: /s /Nancy A. Pacharzina  
5 Kim D. Stephens P.S., WSBA#11984  
6 Nancy A. Pacharzina, WSBA# 25946  
7 1700 Seventh Avenue, Suite 2200  
8 Seattle, Washington 98101  
Telephone: (206) 682-5600  
Facsimile: (206) 682-2992  
kstephens@tousley.com  
npacharzina@tousley.com

9  
10 **COHEN MILSTEIN SELLERS & TOLL**  
**PLLC**

11 Joel P. Laitman (admitted *pro hac vice*)  
12 Christopher Lometti (admitted *pro hac vice*)  
13 Daniel B. Rehns (admitted *pro hac vice*)  
14 150 East 52nd Street, Thirtieth Floor  
New York, New York 10022  
Telephone: (212) 838-7797  
Facsimile: (212) 838-7745  
jlaitman@cohenmilstein.com  
cлометти@cohenmilstein.com  
drehns@cohenmilstein.com

15  
16 Steven J. Toll (admitted *pro hac vice*)  
17 1100 New York Avenue NW, Suite 500 West  
Washington, D.C. 20005  
18 Telephone: (202) 408-4600  
Facsimile: (202) 408-4699 (Facsimile)  
stoll@cohenmilstein.com

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20 *Attorneys for Plaintiff and the Proposed Class*

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27 NOTICE OF ACCEPTANCE OF SERVICE AND WAIVER OF  
SERVICE OF SUMMONS BY DEFENDANT THE MCGRAW-  
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(NO. 2:09-CV-01557-MJP) - 2

4898/002/232607.1

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1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101  
TEL. 206.682.5600 • FAX 206.682.2992

# **EXHIBIT A**

## WAIVER OF SERVICE OF SUMMONS

TO: COHEN MILSTEIN SELLERS & TOLL PLLC  
Daniel B. Rehns, Esq.  
150 East 52<sup>nd</sup> Street, Thirtieth Floor  
New York, New York 10022

I acknowledge receipt of your request that I waive service of summons of the Complaint in the action of *DORAL BANK PUERTO RICO v. WASHINGTON MUTUAL ASSET ACCEPTANCE CORPORATION, ET AL.*, C:09-cv-01557 (MJP), pending in the United States District Court for the Western District of Washington, at Seattle. I have also received a copy of the Complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within sixty days after the 4th day of January 2010, or within 90 days after that date if the request was sent outside the United States.

1/11/2010

Date

  
Signature

Aleam Zurofsky

Printed/typed name

{as \_\_\_\_\_ )  
{of \_\_\_\_\_ )

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States, who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause can be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses or objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record; and I mailed the foregoing documents to the following via the United States Postal Service:

Brian C. Free, WSBA #35788  
Louis D. Peterson  
HILLIS CLARK MARTIN & PETERSON  
1221 Second Avenue, Suite 500  
Seattle, WA 98101-2925

David M. Balabanian  
John D. Pernick  
Frank Busch  
BINGHAM McCUTCHEN LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
-and-  
Susan L. Hoffman  
355 South Grand Avenue, Suite 4000  
Los Angeles, CA 90071-3106

*Attorneys for Defendants Washington Mutual Asset Acceptance Corporation; David Beck; Diane Novak; Thomas Lehmann; Stephen Fortunado; Donald Wilhelm; and WAMU Capital Corporation*

DATED at Seattle, Washington, this 1st day of March, 2010.

By: /s / Nancy A. Pacharzina

Kim D. Stephens P.S., WSBA#11984  
Nancy A. Pacharzina, WSBA# 25946  
Attorney for Plaintiff  
TOUSLEY BRAIN STEPHENS PLLC  
700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101  
Tel: 206.682.5600

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THE COMPANIES, INC.  
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